

## **REMARKS**

Applicants respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 6, 8, 13, 23 and 28 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-33 are pending.

### **35 U.S.C. §103 Rejections**

The Office Action rejects claims 1-2, 5-6, 8-9, 12-13, 15-16, 18-20, 22-24, 26-28, 30-31 and 33 under 35 U.S.C. §103(a) as being unpatentable over Kaliski, Jr., USPN 6,189,098 (*Kaliski*) in view of Liu et al., USPN 6,760,752 (*Liu*). *Kaliski* is alleged by the Office Action to disclose a user terminal obtaining a time reference from an access point of a wireless access network and receiving a certification of the time reference. *Liu* is further alleged to disclose requesting certification of the time reference by a trusted entity. The Office Action further rejects claims 7, 14 and 29 under 35 U.S.C. §103(a) as being unpatentable over *Kaliski* in view of *Liu* and further in view of Kroeger, US Patent Pub. No. 2004/0066736 A1 (*Kroeger*). *Kroeger* is alleged by the Office Action to disclose the use of an absolute frame number as a time reference. For at least the following reasons, Applicants respectfully traverse the above rejections of the Office Action.

### **35 U.S.C. §103(a) Rejection over *Kaliski* and *Liu***

In rejecting claims 1-2, 5-6, 8-9, 12-13, 15-16, 18-20, 22-24, 26-28, 30-31 and 33, the Office Action alleges that it would have been obvious to have a user terminal of *Kaliski* request certification of a time reference by a trusted entity of *Liu* to make the time stamp difficult to forge. As stated in M.P.E.P. §2144.08, a *prima facie* case of obviousness under 35 U.S.C. §103 requires a showing by the Office Action of some motivation or suggestion to make the claimed invention in light of the prior art teachings. See, e.g., *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1996). If

the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. See M.P.E.P. §2143.01(VI) citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Assuming *arguendo* that the references teach the limitations of the amended claims, Applicants respectfully submit that there is no motivation to combine *Kaliski* and *Liu* so as to practice the currently claimed invention, as is required under M.P.E.P. §2144.08. Contrary to M.P.E.P. §2143.01(VI), the Office Action proposes a modification to the method and system of *Kaliski* with the teachings of *Liu* which would change the principle of operation of *Kaliski*. By way of explanation, *Kaliski* specifically describes a client 20 which **includes** a facility for generating a time-varying value (TS) 23, which may comprise a clock 8. See col. 4, lines 40-42 and col. 6, lines 16-21. The clock 8 is disclosed in *Kaliski* as being used for generating a timestamp and for verifying a received timestamp. See col. 3, lines 61-63. Moreover, *Kaliski* specifically describes a server 40 which **also includes** such a facility for generating time-varying values (TS) 42. See col. 7, lines 39-43. A time-varying value TS received by the server is compared with a reference value obtained from the server's facility for generating a time-varying value 42. See col. 4 lines 61-63.

Therefore, Applicants respectfully submit that *Kaliski* provides a complete solution for the verification of received time-varying values by requiring a client and a server to include facilities for generating a time-varying value 23 and 42, respectively. There is no motivation to provide any further verification of any time stamp by combining *Kaliski* with any trusted entity in *Liu*. Applicants further submit that *Liu* provides no further verification beyond that already provided by the facility for generating a time-varying value in *Kaliski*. More particularly, *Liu* only describes verification of a time stamp by comparing a time stamp to time/date status information returned from a key server 108 (or key retrieval server 180). See col. 27, lines 50-54. However, this comparison of the time stamp to such information is already performed in *Kaliski* using the facility for generating a time-varying value. Therefore, any verification

of a received time stamp by an alleged trusted entity in *Liu* would be **redundant** to the time stamp verification already performed in *Kaliski* by a facility for generating a time-varying value. Since any trusted entity in *Liu* cannot provide additional verification of the timestamp beyond that already provided by *Kaliski*, Applicants submit that there is no motivation to combine these references.

For at least the foregoing reasons, the claims are non-obvious in light of the references, and Applicants request that the 35 U.S.C. §103(a) rejection of claims 1-2, 5-6, 8-9, 12-13, 15-16, 18-20, 22-24, 26-28, 30-31 and 33 based on *Kaliski* and *Liu* be withdrawn.

**35 U.S.C. §103(a) Rejection over *Kaliski*, *Liu* and *Kroeger***

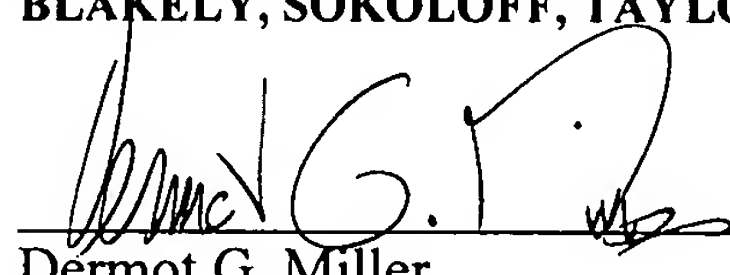
In rejecting claims 7, 14 and 29 under 35 U.S.C. §103(a) based on *Kaliski*, *Liu* and *Kroeger*, the Office Action relies on the rejection of parent claims 1, 8 and 23, discussed above. Assuming *arguendo* that the references teach the limitations of the rejected claims, there is no motivation to combine *Kaliski* and *Liu* so as to practice the invention of the currently amended claims, as is discussed above in reference to the rejection of parent claims 1, 8 and 23. The Office Action provides no further basis for a motivation to combine *Kaliski* and *Liu* with *Kroeger*, and Applicants respectfully submit that there is no such motivation. For at least the foregoing reasons, the claims are non-obvious in light of the references, and Applicants request that the 35 U.S.C. §103(a) rejection of claims 7, 14 and 29 based on *Kaliski*, *Liu* and *Kroeger* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-33 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

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Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

  
Dermot G. Miller  
Attorney for Applicant  
Reg. No. 58,309

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 439-8778